No. 22060

IN THE

United States Court of Appeals

FOR THE NINTH CIRCUIT

Scanbe Manufacturing Company,

Appellant,

v.

Wm. Tryon and The U.S. Marshal,

Appellees.

MOTION FOR ORDER PERMITTING FILING OF BRIEF AMICUS CURIAE UNDER RULE 18-9(a)

and

BRIEF AMICUS CURIAE

Lewis E. Lyon
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Jeffries Banknote Company, Los Angeles — 746-1611

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TABLE OF AUTHORITIES CITED

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BRIEF AMICUS CURIAE

The undersigned hereby moves this Court for an Order permitting the filing of the attached Brief Amicus Curiae in this cause. This motion is based upon the fact that the ruling of the District Court in this matter is such as to cast a serious cloud upon all processes and writs of the District Court now extant and upon the belief that if this District Court ruling is allowed to stand all writs heretofore issued out and under the seal of the Clerk of the District Court are void per se and unenforceable to any extent.

The undersigned is an attorney duly licensed to practice before this Court and has been practicing before the District Court of the United States, Southern District of California, and this Court for the last forty years. In such practice he has obtained and has in pres-

ent force injunctions in patent cases which have been issued under the authority of the District Court Judge but have been issued under the Seal of the Court and signed by the Clerk thereof. Such injunctions have not been signed by the District Judge. It is believed by the undersigned that there was a precise failure of counsel for the parties before the District Court to bring before the Court the authority under which such issuance of process and writs is had, namely, the provisions of Section 1691 U.S.C., Title 28, and that it was this failure which resulted in the ruling of the District Court that injunctions so issued were void per se and therefore in all respects unenforceable.

As a further reason underlying this Motion the undersigned represents to this Court that in filing this Motion and Brief Amicus Curiae he is responding to a request made by a District Judge that he appear and file a brief in this matter amicus curiae.

It is respectfully requested that this Court Order that the accompanying Brief Amicus Curiae be filed in this matter.

Respectfully submitted,

By Lewis E. Lyon

DEC 6 1967
SO ORDERED:

Richard H. Chambers
Circuit Judge

Subject to reconsideration if any objection filed within 7 days.

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BRIEF AMICUS CURIAE

This Brief is filed by the undersigned amicus curiae because it is believed to involve a question of fundamental importance to each and every practicing attorney before the District Court of the Southern District of California who has been instrumental in obtaining injunctive relief from that Court, and who in the exercise of his duties as an attorney has obtained for his client or clients a Writ of Injunction and may be in a position of being required to enforce that Writ.

This Brief is directed to a ruling of the District Court set forth in its Memorandum and Order herein signed May 29, 1967, which states at page 4, lines 11 to 14 thereof:

> ". . . I am of the view that a judgment of contempt based upon the violation of an injunction that is void *per se* cannot stand and that petitioner's custody is therefore unlawful."

and to that portion of the Order which states at page 3, lines 18 to 21 thereof:

> ". . . Absent some clear authority, which has not been brought to my attention, I am of the view that the injunction signed only by a deputy clerk of the District Court is void."

Before issuing its Memorandum and Order in this cause signed by the Judge May 29, 1967, it is apparent from the said Memorandum and Order in the portion thereof as hereinabove set forth that the District Court had sought authority under which the injunction was signed by the Deputy Clerk and not by the District Judge. This is further apparent from that portion of the Memorandum and Order signed May 29, 1967, by the District Judge herein, wherein it is stated at page 2, lines 1 to 5 thereof:

> ". . . Upon review of the documents then filed this Court noted that the above mentioned injunction was not signed by a District Judge, but rather was undated, and signed by a deputy clerk of the United States District Court. . . ."

At no place in the record of this cause is reference made to the controlling statute with respect to the signing, sealing and issuance of processes and writs which is Section 1691 of U.S.C. Title 28. It is clearly this omission which is responsible for the Court's holding in this cause.

Section 1691 of U.S.C. Title 28 states:

> "All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof."

The provisions of this section are unequivocally clear and no other section of the Statute provides for the mode, manner or signature of a Writ of Injunction issuing out of the District Court.

The injunction was issued by the Clerk under the Seal of the Court and signed by the Clerk in accordance with Section 1691, *supra.*

The Clerk issued the injunction pursuant to the provisions of the Judgment of the District Court, which Judgment was lodged with the Clerk on January 6, 1966. The terms of the Injunction issued by the Court under the Seal of the Court and signed by the Deputy Clerk conforms precisely with the terms of that Judgment, i.e., that defendant was enjoined from infringing one or more of the claims of Letters Patent Reissue 25,595 owned by the plaintiff for the remainder of the term of such patent. (Interlocutory Findings of Fact and Conclusions of Law Re Civil Contempt, page 1, lines 27 to 32 thereof).

The precise terms of the Injunction is thus fixed by and under the Judgment of the District Court signed by the District Judge and this fact is not challenged nor is the same in issue.

Rule 65 of the Federal Rules of Civil Procedure subsection (d) thereof further provides:

> "Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise."

It is not disputed that Wm. Tryon had actual notice and personal service of the Writ of Injunction. This

Court on a patent contempt ruling in *Union Tool Company v. Wilson,* 265 F. 669, C.A. 9, May 17, 1920, entered its ruling with respect to matters of both civil and criminal contempt and this ruling was affirmed by the Supreme Court in 259 U.S. 107, where at 113 the Supreme Court stated:

> ". . . Knowing of the injunction, it would have been bound to obey it even if no writ had issued. . . ."

The District Court in its Memorandum recognizes the validity of this ruling wherein it states:

> "The argument is pressed, however, that even a void injunction must be obeyed until it is overturned on appeal. As a broad proposition that is undoubtedly true (See: *Howat v. Kansas,* 258 U.S. 181, 189-190; *United States v. United Mineworkers of America,* 330 U.S. 258, 293-294)." (Memorandum and Order signed May 29, 1967, page 3, lines 22 to 26).

It is apparent that the District Court predicated its ruling solely upon the reasoning that the Writ of Injunction issued is void per se because it was not signed by a District Judge but was signed solely by the Deputy Clerk. Thus, as hereinabove quoted the Court's ruling is based upon the failure to bring to its attention the authority under which the Writ was granted and because of that failure the District Court ruled that the Writ of Injunction so issued was void per se. It is therefore respectfully submitted that this Court must reverse the ruling of the District Court that the Writ of Injunction as issued was void per se.

It is further respectfully submitted that as the Writ of Injunction as issued was not void per se the District Court's Memorandum and Order must be reversed in its entirety.

Respectfully submitted,

By Lewis E. Lyon
Amicus Curiae

CERTIFICATE

I certify that in connection with the preparation of this Brief I have examined Rules 18 and 19 of the United States Court of Appeals for the 9th Circuit and in my opinion the foregoing Brief is in full compliance with those rules.

This Motion and Brief Amicus Curiae was served upon each of the following at the addresses given by mailing a true and exact copy thereof on this 1st day of December, 1967.

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUTHUR G. BARKLEY PLAINTIFF Vs. MOSINEE CAKE CO. OF CONTINENTAL BAKING CO. INTERNATIONAL BROTHERHOOD, OF THE TEAMSTERS UNION. COMMISSIONER OF INTERNAL REVENUE. STATE OF ARIZONA. UNITED STATES OF AMERICA. RESPONDENTS	DOCKET NO. 22061 NOVEMBER 11, 1967

PETITIONER MOVES IN REQUESTION OF RULE 18 AND RULE 42 OF FEDERAL RULE DIGEST, PAGES 73, 74 AND 357, AND RULE 156, ARIZ. REV. STATUTES, ANNO. 17, PAGE 211.

RULE 18, JOINDER OF CLAIMS AND REMEDIES. a. JOINDER OF CLAIMS. 18a.3 JOINDER OF CLAIMS WHERE THERE ARE MULTIPLY PARTIES.

RULE 42, CONSOLIDATION:SEPARATE TRIALS. a. CONSOLIDATION.

RULE 156, ISSUANCE OF SUMMONS AND DEFENDANTS IN CORPORATION.

PLAINTIFF REQUEST RELIEF OF INJURI FROM THE RESPONDANTS IN THE ABOVE NAME CASE, FOR THE VIOLATION OF, MENTAL PAIN INFLICTION. LAW, IN NOVEMBER 1958. ILLEGAL FIRING, JULY 06, 1963. BLACKLISTING, 1963. VIOLATED, THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, IN 1963. VIOLATED, THE PURPOSE (OR SPIRIT) OF AMENDMENTS, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, FROM 1963, THROUGH 1967 OR BEYOUND.

MENTAL PAIN INFLICTION LAW

WHEN PLAINTIFF, went to DR. Frericks, for doctors care in November 1958, when Plaintiff hearing in his right ear begain to fail him, A. G.(AL) Vinyard, Supervisor in charge, made Plaintiff go to DR. Frericks, before the DR. had time to compleate his examination on the Plaintiff, and request a written statement from the DR. as to the Plaintiff condition, and if the Plaintiff returned from the DR. without this written statement, the Plaintiff was told by Mr. Vinyard that Plaintiff would be fired from his job.

PLAINTIFF, took this matter up with Vernon Case, Secretary Treasure, of the Teamsters Union Local 274, which Plaintiff is a Brother member, Vernon Case told Plaintiff, If you cant do as your Boss tells you to, you will just have to go some place else and work. When Plaintiff took this matter up with DR. Frericks, DR. Frericks got upset and stated, That, he has not had time as yet to make a true statement, that he was not through with runing his test, but to keep the Plaintiff from being fired, the DR. wrote a statement and give it to the Plaintiff, and the Plaintiff give this statement to Mr. Vinyard. The next week Mr. Vinyard told Plaintiff that he had received a letter from the main office in Los Angeles, and that they had examined the statement from DR. Frericks, and they find that there is nothing wrong with Plaintiff, and if Plaintiff continues on with his treatements with the Doctor, that the Plaintiff would be fired from his job. Mr. Vinyard said, I request you get them insurance pappers filled out and turned in. Mr. Vinyard said, we have to do checks like this to keep these quack DR. from running up big DR. bills on these insurance co. which makes it hard on our company.

PLAINTIFF, is deff in his right ear today, without being given a fair chance by medical care. Plaintiff request TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co. for the relief of injury, suffering from the violation of this Act of Law.

LABOR LAW HANDBOOK---PAGES 149, 150

UNFAIR LABOR PRACTICES.

310. RIGHTS OF EMPLOYEES-SECTION 7. Sec. 8(a)(3) 8(b)(2).

PLAINTIFF, states, on July 06, 1963, when Plaintiff was told by his Supervisor, Jack Rowse, for Plaintiff not to return to work anymore, staiting, that the Salesmanager, Edward Flipowicz, said, give no reason, as the reason for his firinf, this constitutes a Breach of Contract and Unfair Labor Practice. and when Mr. Case refused Plaintiff, the Union is Liable, and when Mr. Eagelton, from the State Labor Board, refused Plaintiff, the State of Arizona is Liable, and when Mr. Cherry, from the National Labor Relation Board,

PLAINTIFF, book this matter up with Person Corp., [illegible] [illegible], or the Teamsters Union Local 377, which Plaintiff is a member member. Person Corp. told Plaintiff, if you want to go on as you are telling you to, you will just have to go home [illegible] [illegible]. Then Plaintiff took this matter up with Mr. Trent, [illegible] [illegible] got upset and stated, that, he has not had time to [illegible] [illegible] a time statement, that he was not through with [illegible] [illegible] to keep the Plaintiff from [illegible], the [illegible] [illegible] and give it to the Plaintiff, and the Plaintiff gave [illegible] [illegible] to Mr. Vipond. The next week Mr. Vipond told Plaintiff [illegible] had received a letter from the main office in Los Angeles, and that they had contacted the statement from Mr. Trentone, and they [illegible] that there is nothing wrong with Plaintiff, and if Plaintiff [illegible] returned on with his transportation with the lumber, then his [illegible] [illegible] should be fired from his job. Mr. Vipond said, I [illegible] [illegible] these inspection reports filled out and turned in. Mr. [illegible] said, we have to do exactly like this to keep those guys [illegible] [illegible] messing up big DA. bills on those inspections so. Which made [illegible] [illegible] our company.

PLAINTIFF, is left in his right ear today, without [illegible] [illegible] a fair chance by medical care. Plaintiff presents [illegible] [illegible] DOLLARS, from each, the Teamsters Union, and Southern [illegible] [illegible] of Commercial Lending Co. for the relief of injury, [illegible] [illegible] the violation of this act of law.

JASON LEE SANDOCK--PAGE 149, 150

[illegible] LABOR REPORTING.

110. Alleged of [illegible]-SECTION 7. Sec. 8(a)(3) [illegible].

PLAINTIFF, stated, on July 05, 1965, when Plaintiff was [illegible] by his supervisor, Jack Jones, for Plaintiff not to return [illegible] supports, stating, that the Salesmanager, Donald Fitzpatrick, [illegible], give the reason, as the reason for his firing, was [illegible] [illegible] of Contract and Unfair Labor Practice. and then Mr. [illegible] [illegible] Plaintiff, the Union is liable, and then Mr. Sagolove, [illegible] [illegible] Labor Board, returned Plaintiff, the Union of Grievance [illegible] [illegible], and then Mr. Gumpy, from the National Labor Relations Board,

refused Plaintiff, the United States of America is Liable.

PLAINTIFF, request relief of injury, of TWO HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co. for the relief of injury, suffered in the violation of these Art. and Sec. of the Law. Plaintiff request that the State of Arizona, and the United States of America, be charged with the Violation, of the PURPOSE (OR SPIRIT) of Amendments, of the Constitution of the United States of America.

LABOR LAW HANDBOOK--PAGE 150

UNFAIR LABOR PRACTICES.

311. EMPLOYER UNFAIR LABOR PRACTICES-SECTION 8(a)(1).

INTERFERENCE, RESTRAINT, AND COERCION.

SUPERVISOR AS AGENT OF EMPLOYER.

WHEN, Hostess Cake Co. of Continental Baking Co. let their Supervisor, fire Plaintiff, the Co. is Liable under this Article, and when the Secertary Treasure, of the Teamsters Union, used his force against Plaintiff in this course of action, the Union is Liable under this Article.

PLAINTIFF, request relief of injury of TWO HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for the relief of injury, suffered in the violation of this Art. and its Section.

LABOR LAW HANDBOOK--PAGES 188, 210

UNFAIR LABOR PRACTICES.

315. INDIVIDUAL BARGAINING, SECTION 9(a)8(a)(4)(5).

WHEN, Plaintiff was fired July 06, 1961, from his job, with Hostess Cake Co. of Continental Baking Co., Plaintiff tried to bargain with the Union, with Hostess Cake Co. of Continental Baking Co., seeked redress from the State Labor Board, from the National Labor Relation Board, and private Counsel. Hostess Cake Co. of Continental Baking Co. and the Teamsters Union, refuser to even open their mouth in an effort to bargain.

PLAINTIFF, request relief of injury, of TWO HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co. for relief of injury suffered from violation of this Article and its Sectiwns of the Law.

LABOR LAW HANDBOOK----PAGE 216

UNFAIR LABOR PRACTICES.

316. UNION UNFAIR LABOR PRACTICES--SECTION 8(b)(1)(A)-
RESTRAINT AND COERCION.

WHEN, Plaintiff, requested a Counsel hearing regarding his illeagle firing, July 06, 1963, and the action of the Secretary Treasure, of the Teamsters Union, Vernon Case, denied Plaintiff a Counsel meeting, and when Plaintiff attended the regular counsel meeting on September 11 or 12, 1963, Vernon Case cancelled the meeting, and the United Brotherhood of the Teamsters Union sent Plaintiff a letter, closing this matter against Plaintiff without giving Plaintiff a fair hearing, and Vernon Case of the Teamsters Union, and Edward Plipowicz, of Hostess Cake Co. of Continental Baking Co. Interfered with Plaintiff getting a job with Carnation Foods, after Mr. Hankins, of Carnation Foods had hired Plaintiff.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for relief of injury suffered from the violations of this Article and it Section of the Law.

LABOR LAW HANDBOOK--PAGE 238

UNFAIR LABOR PRACTICES.

319. UNION UNFAIR LABOR PRACTICES-SECTION 8 (b)(3)-
REFUSAL TO BARGIN.

WHEN, Plaintiff, requested the Union to get Plaintiff a fair reason for his firing from Hostess Cake Co. of Continental Baking Co. of July 06, 1963, and collect Plaintiff sick pay which the Co. owes Plaintiff, when Plaintiff was off sick, under Doctors care, in the last part of May and the first part of June, of 1963, for 19 days, the Union refused to collect, and the Co. refused to pay Plaintiff.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co. for the relief of injury suffered from the violations of this Article and Section of the Law.

LABOR LAW HANDBOOK--PAGES 354, 355.

FEDERAL LAW AFFECTING LABOR RELATIONS.

601. SECTION 301, INTRA-SUITS BY AND AGAINST LABOR ORGANIZA-
TION. SECTION 301 (a) (b)

WHEN, Plaintiff was fired from his job July 06, 1963, with-

out being given a proper cause, and when Vernon Case of the Teamsters Union, and Edward Klipowicz, of Hostess Cake Co. of Continental Baking Co., took a bribe from M. M. Slator to have Plaintiff fired, and the Union, Hostess Cake Co. of Continental Baking Co., the State Labor Board, the National Labor Relation Board, and the Veterian Adminstration, took no course to redress this wrong against Plaintiff, this constitutes a violation of the above Article and Section of the Law.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for the relief of injury suffered from the violation of these Article and Section of the Law, and the other Respondents be charged with violating the PURPOSE (OR SPIRIT) of Amendmints, of the Constitution of the U. S. A.

LABOR LAW HANDBOOK--PAGES 359, 360, 361.

FEDERAL LAWS AFFECTING LABOR RELATIONS.

602. Sec. 303, LMRA-DAMAGE ACTION AGAINST LABOR ORGANIZATIONS FOR VIOLATION OF SECTION 8(b)(4) Sec. 303 (a)(b) 303.3

WHEN, Plaintiff was deprived of his buisness, July 06, 1963, with out being given a just cause, and Plaintiff, went to the above Respondents, in the above name case, for redress of grievances, and was denied by all. This constitutes a violation of the above Article and Sections of the above name Law.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for the relief of injury suffered from the violation of these Article and Section of the Law, and Plaintiff, request the other Respondents be charged with, violating the PURPOSE (OR SPIRIT) of Amendments, of the Constitution of the U. S. A.

LEGISLATIVE HISTORY OF LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959.

TITLES I-VI

TITLE I. BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS PAGES 237, 238. 1108, 1138, SEC. 101. (a)(1)1. PAGE 1108 (e) Sec. 301 or 302. Page 1138 Sec. 609. Sec. 610.

WHEN, Edward Flipowicz, of Hostess Cake Co. of Continental Baking Co., and Vernon Case, of Teamsters Union, Forced those men to sign that letter against Plaintiff, under a threat of being fired, and droped on the street from the Union, that constitutes a violation of the above Articles of Law.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for relief of injury suffered from the violation of these Articles and Sections of the Law. and Plaintiff, request the other Respondents, be charged with violating the PURPOSE (OR SPIRIT) of Amendments, of the Constitution of the U. S. A.

ARIZONA REVISED SECTION ANNO.-31 - PAGE 481

23-1361. ARTICLE 4, BLACKLISTING.

WHEN, Vernon Case, of the Teamsters Union, and Edward Flipowicz, of Hostess Cake Co. of Continental Baking Co., forced those men to sign letters against Plaintiff, and spreaded rumors against Plaintiff, that constitutes a violation of the above Art. of Law. PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for the relief of injury for the violation of the above Article of Law.

PLEDGE OF ALLEGIANCE TO THE FLAG

OF THE UNITED STATES IF AMERICA.

WHEN, Plaintiff, joined the Teamsters Union, the Union presented the Pledge of Allegiance to the Flag of the U. S. A. to Plaintiff, as Plaintiff assurance of fair treatment.

PLAINTIFF, request relief of injury of ONE MILLION DOLLARS, per State, for the relief of injury suffered from the Teamsters Union, in the violation of this Act. From the Teamsters Union. or the removale of the Flag, of the U. S. A. from the Teamsters Union.

GRIEF, WORRY, HARDSHIP

AND PUNITIVE DAMAGES.

PLAINTIFF, request relief of injury of TEN HUNDRED THOUSAND DOLLARS, from each, the Teamsters Union, and Hostess Cake Co. of Continental Baking Co., for relief of injury suffered from the violation of this Act of Law.

COUNT, Toward objection, on Jackson Dam Co. or Jackson-
Lewis Co., and Dennis Cole, of Indiana State, stated that
was to also seek lower against Plaintiff, never a lessee or lessee
stand, for damage in the direct flow the water, with consideration a
violation of the above statutes of law.

VIOLATION, Property relief or injury of the
Defendant, then each, the Insurance Union, the Indiana Jack Co. or
Indianapolis Trading Co., for relief of injury suffered from the
violation of Indiana statutes and decisions of the law, and Plaintiff,
compute the above monetary, be charged that violating the rights
and activity of Jackson, of the constitution of the U. S.

United States Statutes 1000-11 - 1001 to
1000-1001. Section 4, Subdivision.

COUNT, Second Count, of the Insurance Union, and Indiana
Plaintiff, of Jackson Dam Co. or Indianapolis Trading Co., stated
there was in also Indiana Statutes Plaintiff, and dismissed
against Plaintiff, that constitutes a violation of the United States
of law. Plaintiff, Jackson relief or injury of the Defendant
Insurance, from each, the Insurance Union, and Indiana Jack Co. or
Indianapolis Trading Co., for the relief or injury for the violation
of the above statute of law.

FORCE OF DISCRIMINATION IN THE USAGE
of the United States Statutes 1000-11 Section.

COUNT, Plaintiff, Jackson the Insurance Union, the Union
presented the Plaintiff a discrimination in the flag of the U. S. to
Plaintiff, the Plaintiff complained of their treatment.

VIOLATION, property relief or injury of the Plaintiff,
per State, for the relief or injury suffered from the Insurance
Union, in the violation of this act, from the Insurance Union, or
the property of the City, of the U. S. in from the Insurance Union.

State, Union, Section
of Indiana Statutes.

VIOLATION, property relief or injury of the Plaintiff Insurance
Union, from each, the Insurance Union, and Indiana Jack Co. or
Indianapolis Trading Co., for relief or injury suffered from the
violation of this act of law.

PURPOSE (OR SPIRIT) OF AMENDMENTS, OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

AFTER, PLAINTIFF, had exhausted himself with the Teamsters Union, Hostess Cake Co. of Continental Baking Co., the State Labor Board, the National Labor Relation Board, the Veterian Administration, and Private Counsel, the Plaintiff, filed his grievances with the Commissioner of Internal Revenue, the Commissioner of Internal Revenue has the powers to investigate, from Washington, and the Fair Labor Standards and Walsh-Healey Acts. The Commissioner of Internal Revenue Service, should have investigated this matter as reported in the Plaintiff grievances, and then turned it over to the United States Attorney General Office, and the Secretary Labor Office, for precution

THE CHRISTI, BILL OF RIGHTS. STATES, the Plaintiff, must not be denied or mistreated, and the Great Men of the Constitution has guarded well against that.

PLAINTIFF, request relief of injury of ONE MILLION DOLLARS, from each, the State of Arizona, and the United States of America, for the relief of injury, suffered from the violation of the PURPOSE (OR SPIRIT) of Amendments, of the Constitution of the U. S. A. by the above named Respondents.

RELIEF, of injury is baised upon the less of waiges and benifits, from July 06, 1963, untill retirement, and beyound the blessing

Author G. Barkley
Author G. Barkley
4145 So. Mitchell St.
Phoenix, Arizona 85018

STATE OF ARIZONA }
COUNTY OF MARICOPA } ss.
This instrument was acknowledged before me this 11 day of Dec, 1967, by Author G. Barkley
In witness whereof I herewith set my hand and official seal.
Clella Riley, NOTARY PUBLIC

My Commission Expires Oct. 15, 1971

Office of the Clerk
. S. Court of Appeals
or the Ninth Circuit
an Francisco, California 94101

Dec 11-1967
~~June 19, 1967~~

ear Sir:

"I Certify that, in connection with the preparation of this rief, I have examined Rules 18, 19 and 39 of the United States ourt of Appeals for the Ninth Circuit, and that, in my opinion, he forgoing brief is in full compliance with those rules.

Not being an Attorney, it is prayed that the Court will ear with me through the rules of the Court.

Luther U. Barkley
Petitioner
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Phoenix, Arizona 85018